

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS ABBOTT, et. al.,

Plaintiffs,

vs.

STATE OF MICHIGAN, et. al.,

Defendants.

Case No. 05-72793

Honorable Marianne O. Battani

ORDER DISMISSING MOTION FOR CLASS CERTIFICATION

The Court, after conferring with all counsel, dismisses the Motion for Class Certification without prejudice. The motion may be refiled after resolution of the Motion to Dismiss and class discovery.

IT IS SO ORDERED.

Dated: October 17, 2005

s/Marianne O. Battani

Honorable Marianne O. Battani

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or electronically filed to Timothy Barkovic and Juandisha Harris on this date.

s/Colette Motowski

Deputy Clerk

October 17, 2005